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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,723	08/05/2000	Sher (Karim) . Sachedina	BOYKP103us	2558
7590	07/12/2004		EXAMINER	
Himanshu S Amin Amin Eschweiler & Turocy LLP 24th Floor National City Center 1900 East 9th Street Cleveland, OH 44114			MEINECKE DIAZ, SUSANNA M	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/634,723	SACHEDINA, SHER (KARIM)
	Examiner	Art Unit
	Susanna M. Diaz	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 June 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 2,9,10,12-15,17-20 and 34-40 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-8,11,16 and 21-33 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. This Final Office action is responsive to Applicant's amendment filed June 2, 2004.

Claims 1, 21, 22, 26, and 29 have been amended.

Claims 2, 9, 10, 12-15, 17-20, and 34-40 stand as withdrawn claims.

Claims 1, 3-8, 11, 16, and 21-33 are presented for examination.

2. The previously pending claim objections are withdrawn in response to Applicant's claim amendments.

The previously pending rejection under 35 U.S.C. § 112, 2nd paragraph is withdrawn in response to Applicant's amendment of claim 26.

Applicant's amendment of claim 22 does not overcome the rejection of claims 22-33 under 35 U.S.C. § 101 because the specification of a "computer implemented method" limited to the preamble does not clarify which, if any, of the steps in the body of the claim are expressly performed by a computer. The body of the claim should be amended accordingly instead.

Response to Arguments

3. Applicant's arguments filed June 2, 2004 have been fully considered but they are not persuasive.

Applicant argues:

More particularly, Groat *et al.* does not teach or suggest **characterizing an impact value** adapted to adjust

the base data to provide adjusted data for the at least one account. As defined in the specification, an impact value is "the absolute value of the impact" (See application p.37, Table VIII) and can refer to "any number of account attributes...designated in connection with an identified event or days associated with the event to derive desired impact data. The attributes for a particular type of event may be predefined, such as based on an analysis of stored data, or one or more attributes may be selected by a user." (See application p.32, II.6-10). Groat *et al.* does not mention defining a value in a manner that explicitly shows the impact a value has in relation to an account(s). Rather, Groat *et al.* merely discloses that a value can be **dependent or based on a particular value** if that value is derived by performing a mathematical calculation or logical decision using that value. (p.3, ¶38). However, this passage is not directed to **characterizing an impact value** adapted to adjust the base data to provide adjusted data for the at least one account, as recited in the subject claim. (Page 9 of Applicant's response)

Applicant admits that "Groat *et al.* merely discloses that a value can be **dependent or based on a particular value** if that value is derived by performing a mathematical calculation or logical decision using that value." The mathematical representation of these interdependent relationships among different account values is indicative of at least one impact value. For example, as explained in ¶¶ 34-35 of Groat, an individual's bank account deposit amount is based on a formula applied to the individual's monthly income. The bank account deposit amount is equal to the [monthly salary x (1-(Tax Rate + Retirement Account Rate))]. Monthly salary may be interpreted as an example of base data while tax rate and retirement account rate are examples of quantitative factors (i.e., impact values) that reflect the impact of the individual's tax rate and retirement account rate on the portion of the monthly salary that is ultimately deposited in the individual's bank account. By defining and setting the specific

quantities associated with each respective factor, one is effectively “characterizing an impact value” (e.g., tax rate and/or retirement account rate) that adjusts base data (e.g., monthly salary).

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 22-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the “progress of science and the useful arts” (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. Claims 22-33 recite steps that could be performed entirely in the mind of a human and are therefore not necessarily limited to the technological arts. Consequently, claims 22-23 are deemed to be non-statutory. In order to remedy this rejection, it is respectfully suggested that one of the

core steps of the invention (e.g., "determining a value of adjusted data...") be explicitly recited as performed by a computer, processor, etc.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3-5, 11, 16, and 21-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Groat et al. (US 2001/0032155 A1).

Groat discloses a user interface to facilitate at least one of analysis and planning of business operations, comprising:

[Claim 1] a first user interface component for selecting operating parameters for at least one of a budgeting and forecasting process, the selected operating parameters including at least one account of a plurality of defined accounts and a time period associated with the at least one process (Fig. 1; ¶¶ 44, 59, 62, 71);

a second user interface element characterizing a method component used to derive base data for the at least one account (Fig. 1; ¶¶ 32-39, 59);

a third user interface element characterizing an impact value adapted to adjust the base data to provide adjusted data for the at least one account (Fig. 1; ¶¶ 32-39, 59); and

a display portion having display areas adapted to display an indication of at least one of the base data and the adjusted data for the at least one account (Fig. 1; ¶¶ 32-39, 59);

wherein the second and third user interface elements are selectable to effect a change in the respective method component and impact value associated with the at least one account (Fig. 1; ¶¶ 32-46, 53, 59);

[Claim 3] wherein the third user interface element, upon being selected, is adapted to display a list of active impact components associated with the at least one account, each of the impact components being selectable to modify attributes associated with each respective impact component (Fig. 1; ¶¶ 53, 59);

[Claim 4] wherein the impact value for the at least one account is an aggregate of impact values from each of the active impact components (¶¶ 32-46, 53, 59);

[Claim 5] wherein the at least one account includes a plurality of selected accounts of the plurality of defined accounts, each account of the plurality of selected accounts having an associated second user interface element characterizing a method component used to derive associated base data and an associated third user interface element characterizing an impact value adapted to adjust the corresponding derived base data and provide adjusted data for each respective account, the display portion having display areas adapted to display an indication of at least one of the base data

and the adjusted data for each of the plurality of selected accounts (Fig. 1; ¶¶ 32-46, 53, 59);

wherein each of the second and third user interface elements are selectable to effect a change in the respective method component and impact value associated with an associated one of the plurality of selected accounts (Fig. 1; ¶¶ 32-46, 53, 59);

[Claim 11] wherein the third user interface element further characterizes key result area data associated with the at least one account, the key result area data including a key result area impact value indicative of a desired result for the at least one account, the key result impact value corresponding to at least part of the impact value (Fig. 1; ¶¶ 32-46, 53, 59, 68, 86);

[Claim 16] a fourth user interface element that characterizes a selectable manual impact value associated with the at least one account, the fourth user interface element being associated with a method component adapted to generate key result area data having another key result impact value corresponding to the manual impact value, the manual impact value corresponding to at least part of the impact value (Fig. 1; ¶¶ 32-46, 53, 59, 68, 86);

[Claim 21] wherein the third user interface element is operatively associated with a key result area component that characterizes a desired result for the at least one account, the key result area component providing data indicative of a key result impact value for the at least one account, the third user interface element being further associated with an action plan component that characterizes a objective for another account of the plurality of accounts, the action plan component including data indicative

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of an action plan impact value for the at least one account that identifies a cost factor associated with achieving the objective (Fig. 1; ¶¶ 32-46, 53, 59, 68, 86).

Groat discloses a computer implemented method to facilitate at least one of budgeting, planning, analysis and forecasting, the method comprising the steps of:

[Claim 22] storing account data indicative of account activities for a plurality of accounts over an account time period (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

defining impact data having an impact value for at least one account of the plurality of accounts (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

generating base data for each selected account of the plurality of accounts, each selected account including an associated method that is applied to the stored account data to determine the base data (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86); and

determining a value of adjusted data as a function of the impact data and the base data (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 23] wherein the impact data includes key result area data having a definable key result area impact value indicative of a desired result for the at least one account, the defined impact value for the at least one account including the key result area impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 24] selectively modifying the key result area data which, in turn, modifies the defined impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

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[Claim 25] wherein the key result data further includes an associated method component that is applied to at least one of the stored account data and the base data to derive the key result area impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 26] wherein the impact data further includes action plan data having an action plan impact value for the at least one account indicative of a cost associated with achieving an objective for at least one of the plurality of accounts related to the adjusted budget data, the defined impact value for the at least account including the action plan impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 27] selectively modifying at least one of the key result area data and the action plan data, which, in turn, modifies the defined impact value according to the step of selectively modifying (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 28] wherein the adjusted data defines a first budget, the method further including the steps of modifying at least one of the key result area data and the action plan data and generating a second adjusted budget based on the modified user interface element (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 29] wherein the impact data includes action plan data having an action plan impact value for the at least one account indicative of a cost associated with achieving an objective for at least a second account of the plurality of accounts, the defined impact value for the at least one account including the action plan impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 30] wherein the action plan data further includes an associated method that is applied to at least one of the stored account data and the base data to derive the action plan impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 31] defining calendar data having a calendar time period and a starting day and aligning a plurality of time periods in the stored account data relative to the starting day (¶¶ 44, 62, 71);

[Claim 32] wherein the step of aligning further includes the steps of locating a day in each of a plurality of time periods associated with stored account data that matches the starting day of the calendar data (¶¶ 44, 62, 71); and

aligning each of the plurality of time periods of the stored account data so that each of the plurality of time periods has a starting day that matches the starting day of the calendar data, whereby each day associated with each of the plurality of time periods is aligned with a corresponding day of the calendar time period (¶¶ 44, 62, 71).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6-8 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groat et al. (US 2001/0032155 A1), as applied to claims 1, 5, and 31 above.

[Claims 6-8] Groat allows a user to view the effects of different factors on a financial model over a given period of time (Fig. 1; ¶ 71); however, the user is limited to viewing these effects by date. In other words, Groat does not expressly state that data from different periods of time is displayed concurrently. Nor does Groat explicitly disclose the concurrent display of the effects of various factors on the financial model. However, Official Notice is taken that it is old and well-known in the art of computer presentations to concurrently display various factors, scenarios, etc. that are being compared to one another. The concurrent display of compared information facilitates the quick and efficient assessment of data due to its proximity and organized arrangement on a single display screen. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to enhance Groat's fourth user interface with the ability to, upon activation, concurrently display the adjusted data and corresponding data for each of the plurality of selected accounts for a different period of time from that shown in the display areas based on account data stored in connection with each of the plurality of selected accounts (claim 6) and, upon activation, concurrently display the adjusted data and corresponding data for the at least one account for a different period of time from that shown in the display area based on account data stored for the at least one account (claim 7), wherein the fourth user interface component further is adapted to display a daily comparison of the adjusted data and the corresponding data from the at least one account (claim 8) in order to facilitate the quick and efficient assessment of the recited data due to its proximity and organized arrangement on a single display screen, which is consistent with Groat's goal

of “[allowing] a user to see how the status of the financial model will change over a given period of time” (¶ 71).

[Claim 33] Groat teaches the step of designating the at least one account for a selected event and determining an attribute impact value for the designated account, the attribute impact value being determined as a function of the stored account data for the designated account for a corresponding event in the stored account data, the defined impact value for the at least one account including the attribute impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86). Groat fails to expressly disclose that the corresponding event occurs in at least one other year; however, Groat does disclose an individual’s retirement date as being an account-affecting factor (¶ 59). Additionally, Official Notice is taken that it is old and well-known in the art of retirement planning that many people who take it upon themselves to implement a retirement plan do so at least one year prior to actually retiring. This practice helps to ensure that one will have sufficient income on which to survive after retirement. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant’s invention to utilize Groat’s invention with a designated account for a corresponding event in at least one other year in order to reap the benefits of Groat’s invention in a financial application that requires long-term planning, such as retirement planning.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner for Patents
P.O. Box 1450**

Alexandria, Virginia 22313-1450

or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
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(703)746-7048 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 22202, 7th floor receptionist.

Susanna Diaz
Susanna M. Diaz
Primary Examiner
Art Unit 3623
July 7, 2004